THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.23874 of 2007

Between:

Vizag Defence Academy Educational Society.

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PETITIONER

and

The District Collector and another.

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RESPONDENTS

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ORDER:

It is the case of the petitioner that it purchased the land admeasuring Ac.16-68 cents in Sy.Nos.93/2 and 93/3 situated at Chinnaraopalli Village, Kothavalasa Mandal, Vizianagaram District. After purchase of the said land, the petitioner came to know that the said land is an assigned land and, therefore, the petitioner made a representation, dated 31-05-2007, before the District Collector, Vizianagaram, to regularize the said land in favour of the petitioner on payment of the market value. While so, the Tahsildar, Kothavalsa, issued notice in Form II under Rule 3 of A.P.Assigned Lands (Prohibition of Transfer) Rules, 2007, calling upon the petitioner to submit explanation within 15 days as to why the petitioner should not be summarily evicted from the land in question, as the said land is an assigned land and the possession of the petitioner is in contravention of sub-section (2) of Section 3 of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act"). Pursuant to the said notice, the petitioner filed an explanation on 08-11-2007. But, the only apprehension of the petitioner is that even before the explanation is considered and final orders are passed under Section 4(a)(1) of the Act, the Tahsildhar, Kothavalasa, is taking steps to dispossess the petitioner from the land in question.

On the other hand, learned Government Pleader for Revenue appearing for the respondents submits that no final orders have been passed till today and the enquiry is pending.

As the explanation is pending, without expressing any opinion on the merits of the case, I am of the opinion that it is just and proper to direct the 2nd respondent to consider and dispose of the explanation of the petitioner, dated 08-11-2007.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the explanation of the petitioner, dated 08-11-2007, in accordance with law. Till the said explanation is considered and appropriate final orders are passed, the possession of the petitioner cannot be interfered with. There shall be no order as to costs.

14-11-2007

Prv